1 2 3 4 5 6 7 8 9 10 11 12 13 14	Arnold R. Levinson (SBN 66583) Terrence J. Coleman (SBN 172183) Rebecca Grey (SBN 194940) Joel P. Welty (SBN 226728) PILLSBURY & LEVINSON, LLP The Transamerica Pyramid 600 Montgomery St., 31st Floor San Francisco, CA 94111 Telephone: (415) 433-8000 Facsimile: (415) 433-4816 Attorneys for Plaintiff SARA G. MAURER Horace W. Green (SBN 115699) C. Mark Humbert (SBN 111093) GREEN & HUMBERT 220 Montgomery Street, Suite 438 San Francisco, California 94104 Telephone: (415) 837-5433 Facsimile: (415) 837-0127 Attorneys for Defendants RELIANCE STANDARD LIFE INSURANC and MICHAEL S. BOWLES	CE CO.	
15 16			
17	UNITED STATES DISTRICT COURT		
18	NORTHERN DISTRICT OF CALIFORNIA		
19	SARA G. MAURER,)	Case No. C-08-04109 MMC	
20	Plaintiff,)	STIPULATION AND [PROPOSED] ORDER RE: AMENDING THE PLEADINGS; SETTING	
21	V.)	DEADLINE TO FILE AMENDED COMPLAINT	
22	RELIANCE STANDARD LIFE) INSURANCE COMPANY; MICHAEL S.) BOWLES; and DOES 1 through 20,)		
23	Defendants.)		
24)		
25	Plaintiff Sara G. Maurer ("Plaintiff") originally filed this Action in the Superior		
26	Court of the State of California for the County of Marin, alleging state law causes of		
27	action for breach of contract, breach of the covenant of good faith and fair dealing,		
28	fraud, negligent misrepresentation, breach	n of fiduciary duty, and professional	

1	1 negligence. Defendants Reliance Standard Life In	surance Company and Michael S.	
2	Bowles ("Defendants") removed this Action to the District Court for the Northern District		
3	of California, and answered the Complaint, alleging inter alia that Plaintiff's state law		
4	4 claims are preempted by the Employee Retiremen	t Income Security Act of 1974	
5	5 ("ERISA"), 29 U.S.C. § 1001 <i>et seq.</i>		
6	6 In order to facilitate further prosecution o	f this Action, the parties hereby	
7	7 stipulate that the pleadings may be amended as fo	llows:	
8	 Plaintiff's Complaint on file herein ma 	ay be deemed to allege claims for	
9	9 relief as provided under 29 U.S.C. §§ 1132	(a)(1)(B) and (a)(3), including claims	
10	o for ERISA benefits, attorney's fees, and oth	er appropriate equitable relief.	
11	1 2. Defendants' Answer on file herein ma	ay be deemed to dispute all material	
12	allegations of the Complaint; to dispute that	Plaintiff's Complaint states a viable	
13	claim for relief under 29 U.S.C. §§ 1132 (a)(1)(B) and/or (a)(3); and to dispute		
14	that Plaintiff is entitled to any relief or recover	ery in this Action.	
15	5 3. Michael S. Bowles is hereby dismiss	ed with prejudice as a defendant in	
16	6 this Action.		
17	7 4. The Law Offices of Sara G. Maurer L	ong Term Disability Plan is hereby	
18	8 added as a Defendant with respect to Plain	iff's claim for ERISA benefits.	
19	9 DATED: November 25, 2008 PILI	LSBURY & LEVINSON	
20	0 By:	/s/ Rebecca Grey Rebecca Grey	
21	Atto	rneys for Plaintiff	
22	2 SAF	RA Ġ. MAURER	
23	3 DATED: November 25, 2008 GRI	EEN & HUMBERT	
24	Bv:	/s/ Horace W. Green	
25	5	Horace W. Green	
26	REL	rneys for Defendants LIANCE STANDARD LIFE	
27	7 INS	URANCE CO. and MICHAEL S. VLES	
28	8		

1	<u>ORDER</u>		
2	Having reviewed the Stipulation of the parties, and good cause appearing, the		
3	Court hereby ORDERS as follows:		
4	Plaintiff's Complaint on file herein may be deemed to allege claims for		
5	relief as provided under 29 U.S.C. §§ 1132 (a)(1)(B) and (a)(3), including claims		
6	for ERISA benefits, attorney's fees, and other appropriate equitable relief.		
7	2. Defendants' Answer on file herein may be deemed to dispute all material		
8	Amended allegations of the Complaint; to dispute that Plaintiff's Complaint states a viable		
9	claim for relief under 29 U.S.C. §§ 1132 (a)(1)(B) and/or (a)(3); and to dispute		
10	that Plaintiff is entitled to any relief or recovery in this Action.		
11	3. Michael S. Bowles is hereby dismissed with prejudice as a defendant in		
12	this Action.		
13	4. The Law Offices of Sara G. Maurer Long Term Disability Plan is hereby		
14	added as a Defendant with respect to Plaintiff's claim for ERISA benefits.		
15	5. Plaintiff's Amended Complaint shall be filed on or before December 19, 2008.		
16	The second secon		
17	Dated: November 26, 2008 Maxine M. Chesney		
18	United States District Court Judge		
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